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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Docket No. 439300)

In re the Application of: ) **Customer No. 27717**  
DAVID S. UTTERBERG )  
Serial No.: 10/062,570 ) **Art Unit: 3763**  
Filed: February 5, 2002 ) **Examiner: Mendez**  
For: BLOOD SET PRIMING METHOD )  
AND APPARATUS )

TO: MAIL STOP: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

In response to the Office Action of October 6, 2005, a discussion of the merits and distinctions of new claims 38-40 follows:

Independent claim 38 shares in the patentable distinction of earlier claims in the application over the cited prior art with the language, beginning on line 10: "...whereby said set comprises a closed loop of tubing when said second connector is in removable sealed connection with the patient connector..."

This distinction over Kawano was discussed in the Remarks section beginning on page 9 of the Amendment mailed June 30, 2004.